

REMARKS

At the outset, applicant wishes to thank Examiner Michele Kidwell for the courtesies extended during the personal interview held on November 24, 2003 with the undersigned attorney. The Examiner's careful attention to the application on that occasion is sincerely appreciated.

Claims 5-8 were rejected under 35 USC §102(e) as being anticipated by RAUFMAN et al. (U.S. 2002/00062177).

Reconsideration of the above rejection is respectfully requested for the following reasons.

As was explained during the interview, the RAUFMAN et al. publication discloses an absorbent article, wherein the article is an **all-in-one product**, and not a **belted absorbent** article within the sense of the present invention. The primary difference between a belted diaper and an all-in-one product, except for the presence of belts, lies in the application of article on the wearer. Upon application of the belted diaper, the belt portions are **first** applied around the waist of the wearer, and **subsequently**, is the front portion attached against the outside portions of the belt to create a pant-like shape. Such an application is extremely convenient for an adult wearer, who consequently can apply the article without the help from another person.

In sharp contrast, the all-in-one product is usually applied on the wearer with the assistance of another person. Such an article is applied by attaching the side portions of the rear portion of the diaper on the front portion in an overlapping manner. Hence, the application is performed in one single step, and not in a two-step fashion as is the case for the belted diapers. Consequently, the problems arising when applying a belted diaper on a wearer are quite divergent and different from those arising when applying an all-in-one product.

The Official Action makes a very broad interpretation of the meaning of "belt", and states that the fastening tabs 37 in the RAUFMAN et al. reference are belts or belt portions. Nevertheless, the product disclosed by RAUFMAN et al. is not intended to be applied like a belted diaper, which means that if the "belt" 37 as advanced by the Official Action was first to be applied around the waist of the wearer, then how would the front portion attach to such "belt"? Moreover, referring to Figure 1 of the RAUFMAN et al. application, it is clear that the absorbent article depicted therein does **not** include first fastening means on the first belt portion, which in use are attached against the outside of the second belt portion, as well as second fastening means on the front portion. Indeed, the front portion of the RAUFMAN et al. absorbent article includes fastening tab 37. However, the rear portion does not include any fastening means.

During the interview, the Examiner referred to Figures 14-16 of the RAUFMAN et al. publication as depicting belt portions on the rear portion of the absorbent article. It is however pointed out that these are in fact side panels 164, which are not attached to one side of the rear portion, as is required in applicant's claim 5. Nevertheless, assuming that these side panels 164 are attached to the rear portion of the absorbent article, as is required in applicant's independent claim 5, the stubborn fact remains that there are no second fastening means on the front portion of the absorbent article. Indeed, element 160 depicted in Figure 15 of the RAUFMAN et al. publication is merely a landing zone, and not a fastening means.

As was explained during the interview, the present invention deals with a problem of knowing from the wearer's view, how the product is to be positioned. Incontinence products for adults tend to be quite large as compared to baby and infant diapers, since the differences in body shapes of adults are much bigger than those of babies and infants. In addition, the elderly people, who often use this kind of product, typically have weak eyesight and/or difficulties in moving and looking in a mirror to see how the product is positioned on them.

In order to advance prosecution of this application, it will be seen that claim 5 has been amended so as to recite that the first fastening means on the first belt portion is in use

attached against the outside of the second belt portion. Support for this limitation may be found on page 4, paragraph 2 of the original specification. In other words, the belt portions of the present invention overlap each other, whereas in the RAUFMAN et al. publication, the "belt portions" (if any) are attached edge to edge.

In addition, claim 5 has been amended so as to recite that each indicium on the first belt portion is symmetrically disposed in a longitudinal direction of the belt portions with the corresponding indicium on the second belt portion, such that in use, a center line of the article is located at the center of the wearer's back. Support for this recitation may be found in the first paragraph on page 5 of the original specification.

It is respectfully submitted that the above-claimed characteristic features are neither disclosed, nor suggested by the RAUFMAN et al. reference.

Claims 5-7 were also rejected under 35 USC §102(e) as being anticipated by KARLSSON et al. 6,494,873.

Reconsideration of the above rejection is respectfully requested for the following reasons.

As was explained during the interview, the KARLSSON et al. patent discloses a belt diaper similar to that of the present invention. The Official Action states that the belt portions have at least one indicium thereon. It is however pointed out

that this is a misinterpretation of the KARLSSON et al. reference, as lines 13 in Figure 2 are not indicia. Indeed, a careful reading of the KARLSSON et al. reference will reveal that these lines are only indicating fragments/changes of material obtained from the breakable seals which were created to keep the folded belt portions in place before use of the diaper. These indicated lines 13 are only shown to illustrate the invention of KARLSSON et al., but it is evident to one having ordinary skill in the art that in reality they are not visible at all or only to an insignificant extent, and would anyhow not be useful as indicia within the meaning of the present invention. In addition, these lines 13, if at all visible, all look the same. Consequently, it would therefore be difficult to match lines from one belt portion to corresponding lines on the opposite belt portion, since they all look the same. It is respectfully submitted that there is no indication at all in KARLSSON et al., that the lines 13 could in any way serve as indicia within the meaning of the herein-claimed invention.

In view of the recent interview, the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance. Entry of the present amendment, reconsideration and allowance are accordingly earnestly solicited.

In the event that there are any questions relating to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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